IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

C.A. NO.3703 OF 2007
IN
FIRST APPEAL NO.1348 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr.Piyush Shah for the applicant.

Mr.S.M.Vidyarthi for respondent no.1.

CORAM : ANOOP V. MOHTA,J.

DATED : 29th August, 2007

P.C.

Considering the averments made the fact remains that the applicant lost his son. The loss of his son is inestimable. The trial Court, after considering the material placed on record awarded the compensation which is under challenge by the insurance company. The appellant-insurance company has deposited Rs.7,04,000/- in the trial Court.

Considering the facts and

circumstances of the case, I am of the view that at this stage without considering the issue about the quantum as raised, the applicant is entitled to withdraw Rs.3,50,000 from the said deposited amount. However, out of that Rs.1,75,000/- is allowed to withdraw without security and the rest of Rs.1,75,000/- with security to the satisfaction of the trial Court.

The rest of the balance amount need to be invested in any Nationalised Bank for three years and renewable till disposal.

C.A. is disposed of accordingly.

C.C.expedited.

[ANOOP V. MOHTA,J.]